

2001 DRAFTING REQUEST**Senate Amendment (SA-SB55)**Received: **05/22/2001**Received By: **rmarchan**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Zimmerman**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - clean ind air
Children - juvenile justice**Extra Copies: **GMM**Submit via email: **NO**

Requester's email:

Pre Topic:

LFB:.....Zimmerman -

Topic:

Prohibit smoking in enclosed indoor areas and on grounds of juvenile secured correctional facilities.

Instructions:

See Attached. Draft LRB-2977/1 as budget amendment.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|------------------------|------------------------|----------------|----------------------------|-----------------|-----------------|
| /? | rmarchan 05/22/2001 | csicilia 05/22/2001 | | | | | |
| /1 | | | jfrantze 05/23/2001 | | lrb_docadmin 05/23/2001 | | |

FE Sent For:

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/? | rmarchan | 1 js 5/22 01 | 765/23 | 76/20 5/23 | | | |

FE Sent For:

<END>

5-22-01

1/M from Art Zimmerman (LFB)

Needs LRB-2977/1 as budget AM

Motion #327

2001

Date (time)
needed

SOON

LRB b0338, 1

**LFB BUDGET AMENDMENT
[ONLY FOR LFB]**

ROM : gis : _____

See form **AMENDMENTS — COMPONENTS & ITEMS.**

**LFB AMENDMENT
TO 2001 ASSEMBLY BILL 144 AND 2001 SENATE BILL 55**

>>FOR JT. FIN. SUB. — NOT FOR INTRODUCTION<<

At the locations indicated, amend the bill as follows:

#. Page 1061, line 6: after that line insert:

INSERT A

#. Page 1332, line 9: after that line insert:

INSERT B

#. Page 1534, line 5: after that line insert:

INSERT C

#. Page 1628, line 9: after that line insert:

INSERT D

#. Page 1653, line 19: after that line insert:

INSERT E

#. Page 1827, line 15: after that line insert:

INSERT F

INSERT H

Item #. Page 1824, line 9: after "10." insert "(by Section 2245)".

9

10.

Item #. Page 1824, line 10: after "~~statutes~~" insert "(by Section 2245)".
(CS)

2015

SENATE BILL 55

INSERT G

SECTION 2244

Item #. Page 999, line 13: after that line insert:

as collectors' items above their face value and computer programs except, including
custom computer programs.

(c)

SECTION 2245. 77.52 (2) (a) 10. of the statutes is amended to read:

, as affected by 2001 Wisconsin Act... (this act),

77.52 (2) (a) 10. ~~Except for installing or applying tangible personal property~~~~which, when installed or applied, will constitute an addition or capital improvement~~

of real property, the ~~The~~ repair, service, alteration, fitting, cleaning, painting,
coating, towing, inspection and maintenance of all items of tangible personal
property unless, at the time of such repair, service, alteration, fitting, cleaning,
painting, coating, towing, inspection or maintenance, a sale in this state of the type
of property repaired, serviced, altered, fitted, cleaned, painted, coated, towed,
inspected or maintained would have been exempt to the customer from sales taxation
under this subchapter, other than the exempt sale of a motor vehicle or truck body
to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
(14r). For purposes of this paragraph, the following items shall be deemed to have
retained their character as tangible personal property, regardless of the extent to
which any such item is fastened to, connected with or built into real property:
furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems,
heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers,
water pumps, water heaters, water conditioners and softeners, clothes washers,
clothes dryers, dishwashers, garbage disposal units, radios and radio antennas,
incinerators, television receivers and antennas, record players, tape players,
jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
electronic dust collectors, grills and rotisseries, bar equipment, intercoms,
recreational, sporting, gymnasium and athletic goods and equipment including by

SENATE BILL 55

SECTION 2245

no #
Type I secured correctional facilities, as defined in s. 938.02 (19)

plan text

1 way of illustration but not of limitation bowling alleys, golf practice equipment, pool
2 tables, punching bags, ski tows and swimming pools; ~~office, restaurant and tavern~~
3 ~~type~~ equipment in offices, business facilities, schools, and hospitals but not in
4 residential facilities including personal residences, apartments, long-term care
5 facilities, as defined under s. 16.009 (1) (em), state institutions, as defined under s.
6 101.123 (1) (i) or similar facilities, including by way of illustration but not of
7 limitation lamps, chandeliers, and fans, venetian blinds, canvas awnings, office and
8 business machines, ice and milk dispensers, beverage-making equipment, vending
9 machines, soda fountains, steam warmers and tables, compressors, condensing units
10 and evaporative condensers, pneumatic conveying systems; laundry, dry cleaning,
11 and pressing machines, power tools, burglar alarm and fire alarm fixtures, electric
12 clocks and electric signs. "Service" does not include services performed by
13 veterinarians.)).

1002 ms)

plan text

14 SECTION 2246. 77.54 (9a) (a) of the statutes is amended to read:

15 77.54 (9a) (a) This state or any agency thereof and, the University of Wisconsin
16 Hospitals and Clinics Authority, and the Fox River Navigational System Authority.

17 SECTION 2247. 77.65 of the statutes is created to read:

18 77.65 Determination of sales and use tax receipts for aeronautical
19 activities. By July 1, 2004, and every July 1 thereafter, the department shall
20 determine, and deposit in the transportation fund, the total amount of the sales tax
21 and use tax, as imposed under ss. 77.52 and 77.53, paid in the immediately preceding
22 calendar year on the sale and use of noncommercial aircraft.

23 SECTION 2248. 77.92 (4) of the statutes is amended to read:

24 77.92 (4) "Net business income", with respect to a partnership, means taxable
25 income as calculated under section 703 of the Internal Revenue Code; plus the items

2001 BILL

1 AN ACT *to amend* 101.123 (1) (i), 101.123 (4) (a) 2., 101.123 (4) (am) 3., 101.123
2 (4) (bm), 101.123 (8) (a), 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a) and 814.63
3 (1) (c); *to repeal and recreate* 101.123 (title); and *to create* 101.123 (1) (j) and
4 101.123 (2) (br) of the statutes; **relating to:** prohibiting smoking on the
5 grounds of juvenile secured correctional facilities and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law, with some exceptions, prohibits smoking in enclosed, indoor areas of juvenile secured correctional facilities. However, current law permits the secretary of the department of health and family services to designate areas in juvenile secured correctional facilities where smoking is allowed.

With certain limited exceptions, this bill prohibits smoking in enclosed, indoor areas of juvenile secured correctional facilities and prohibits smoking on the grounds of juvenile secured correctional facilities. Also, the bill does not permit smoking areas to be designated in juvenile secured correctional facilities or on the grounds of juvenile secured correctional facilities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

6 ¶ "SECTION 1. 101.123 (title) of the statutes is repealed and recreated to read:

2449f

BILL

SECTION 1

1 **101.123 (title) Smoking prohibited.**

2 **SECTION 2.** 101.123 (1) (i) of the statutes is amended to read:

3 101.123 (1) (i) "State institution" means a prison, ~~a secured correctional~~
4 ~~facility,~~ a mental health institute as defined in s. 51.01 (12) or a center for the
5 developmentally disabled as defined in s. 51.01 (3), ~~except that "state institution"~~
6 ~~does not include a Type 2 secured correctional facility, as defined in s. 938.02 (20).~~

7 **SECTION 3.** 101.123 (1) (j) of the statutes is created to read:

8 101.123 (1) (j) "Type 1 secured correctional facility" has the meaning given in
9 s. 938.02 (19).

10 **SECTION 4.** 101.123 (2) (br) of the statutes is created to read:

11 101.123 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke
12 in any enclosed, indoor area of a Type 1 secured correctional facility or on the grounds
13 of a Type 1 secured correctional facility.

14 **SECTION 5.** 101.123 (4) (a) 2. of the statutes is amended to read:

15 101.123 (4) (a) 2. A person in charge or his or her agent may not designate an
16 entire building as a smoking area or designate any smoking areas in the state capitol
17 building, in the immediate vicinity of the state capitol, in a Type 1 secured
18 correctional facility, on the grounds of a Type 1 secured correctional facility, in a
19 motor bus, hospital or physician's office or on the premises, indoors or outdoors, of
20 a day care center when children who are receiving day care services are present,
21 except that in a hospital or a unit of a hospital that has as its primary purpose the
22 care and treatment of mental illness, alcoholism or drug abuse a person in charge or
23 his or her agent may designate one or more enclosed rooms with outside ventilation
24 as smoking areas for the use of adult patients who have the written permission of a

BILL

1 physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or
2 her agent may not designate an entire room as a smoking area.

3 **2449r** SECTION 6. 101.123 (4) (am) 3. of the statutes is amended to read:

4 101.123 (4) (am) 3. Except in a prison, ~~secured correctional facility~~, jail, or
5 lockup facility, an entire building may not be designated as a smoking area.

6 **2449r** SECTION 7. 101.123 (4) (bm) of the statutes is amended to read:

7 101.123 (4) (bm) The person in charge of a state institution, jail or lockup
8 facility, or his or her agent, shall post notice of the designation of a smoking area
9 under par. (am) in or near the area designated. If an entire room is designated a
10 smoking area, the person in charge or his or her agent shall post notice of the
11 designation conspicuously on or near all normally used entrances to the room. If an
12 entire building in a prison, ~~secured correctional facility~~, jail, or lockup facility is
13 designated a smoking area, the person in charge, or his or her agent, shall post notice
14 of the designation on or near all normally used entrances to the building, but need
15 not post notice of the designation on or near entrances to rooms within the building.

16 **2449t** SECTION 8. 101.123 (8) (a) of the statutes is amended to read:

17 101.123 (8) (a) Any person who wilfully violates sub. (2) (a), (am) 1. ~~or~~, (bm),
18 or (br) after being advised by an employee of the facility that smoking in the area is
19 prohibited or any person in charge or his or her agent who wilfully fails to comply
20 with sub. (5) shall forfeit not more than \$10. *Lead ins*

21 **2857t** SECTION 9. 165.755 (1) (b) of the statutes is amended to read:

22 165.755 (1) (b) A court may not impose the crime laboratories and drug law
23 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)
24 ~~or~~, (bm), or (br) or (5) (b) or for a violation of a state law or municipal or county

BILL

ordinance involving a nonmoving traffic violation or a safety belt use violation under s. 347.48 (2m). *2/2/01 ms*

§ "SECTION 302.46 (1) (a) of the statutes is amended to read:

3389f 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar) ~~or~~ (bm), or (br) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), the court, in addition, shall impose a jail assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever is greater. If multiple offenses are involved, the court shall determine the jail assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended in whole or in part, the court shall reduce the jail assessment in proportion to the suspension. *2/2/01 ms*

§ "SECTION 757.05 (1) (a) of the statutes is amended to read. *as affected by 2001 Wisconsin Act ... (this act)*

3774c 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of state law or for a violation of a municipal or county ordinance except for a violation of s. 101.123 (2) (a), (am) 1., (ar) ~~or~~ (bm), or (br) or (5) or state laws or municipal or county ordinances involving nonmoving traffic violations or safety belt use violations under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an amount of ~~1%~~ ^{13%} of the fine or forfeiture imposed. If multiple offenses are involved, the penalty assessment shall be based upon the total fine or forfeiture for all offenses. When a fine or forfeiture is suspended in whole or in part, the penalty assessment shall be reduced in proportion to the suspension. *2/2/01 ms*

§ "SECTION 814.63 (1) (c) of the statutes is amended to read:

3832m

BILL

814.63 (1) (c) This subsection does not apply to an action for a violation of s. 101.123 (2) (a), (am) 1., (ar) or (bm), or (br) or (5) or a safety belt use violation under s. 347.48 (2m) ²³ ₂₃ continuing

SECTION 13. Effective date.

(1) This act takes effect on the first day of the 12th month beginning after publication.

(END)

(CS)

SMOKING ON GROUNDS OF JUVENILE SECURED CORRECTIONAL FACILITIES.

(59) The treatment of sections 101.123 (Title), (1) (i) and (j), (2) (br), (4) (a) 2., (am) 3., and (bm), and (8) (a), 165.755 (1) (b), 302.46 (1) (a), 757.05 (1) (a) (by ^(CS) SECTION 3774c ~~3774c~~), and 814.63 (1) (c) of the statutes takes effect on the first day of the 12th month beginning after publication. ²³

77.52(2)(a) 10. (by ^(CS) SECTION 2245d),

NonSTAT
EFF
DATE

205507
F

NOTE

RJM:cjs:

Art Zimmerman:

= =

Attached is the draft related to smoking on the
grounds of juvenile secured correctional facilities.
Please let me know if you have any questions or suggested
changes.

(Name RJM)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0338/1dn
RJM:cjs:jf

May 23, 2001

Art Zimmerman:

Attached is the draft related to smoking on the grounds of juvenile secured correctional facilities. Please let me know if you have any questions or suggested changes.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261 4454
E-mail: robert.marchant@legis.state.wi.us

LFB:.....Zimmerman – Prohibit smoking in enclosed indoor areas and on grounds of juvenile secured correctional facilities.

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 2001 SENATE BILL 55 AND 2001 ASSEMBLY BILL 144

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 999, line 13: after that line insert:

3 “**SECTION 2245d.** 77.52 (2) (a) 10. of the statutes, as affected by 2001 Wisconsin
4 Act ... (this act), is amended to read:

5 77.52 (2) (a) 10. The repair, service, alteration, fitting, cleaning, painting,
6 coating, towing, inspection and maintenance of all items of tangible personal
7 property unless, at the time of such repair, service, alteration, fitting, cleaning,
8 painting, coating, towing, inspection or maintenance, a sale in this state of the type
9 of property repaired, serviced, altered, fitted, cleaned, painted, coated, towed,
10 inspected or maintained would have been exempt to the customer from sales taxation
11 under this subchapter, other than the exempt sale of a motor vehicle or truck body

1 to a nonresident under s. 77.54 (5) (a) and other than nontaxable sales under s. 77.51
2 (14r). For purposes of this paragraph, the following items shall be deemed to have
3 retained their character as tangible personal property, regardless of the extent to
4 which any such item is fastened to, connected with or built into real property:
5 furnaces, boilers, stoves, ovens, including associated hoods and exhaust systems,
6 heaters, air conditioners, humidifiers, dehumidifiers, refrigerators, coolers, freezers,
7 water pumps, water heaters, water conditioners and softeners, clothes washers,
8 clothes dryers, dishwashers, garbage disposal units, radios and radio antennas,
9 incinerators, television receivers and antennas, record players, tape players,
10 jukeboxes, vacuum cleaners, furniture and furnishings, carpeting and rugs,
11 bathroom fixtures, sinks, awnings, blinds, gas and electric logs, heat lamps,
12 electronic dust collectors, grills and rotisseries, bar equipment, intercoms,
13 recreational, sporting, gymnasium and athletic goods and equipment including by
14 way of illustration but not of limitation bowling alleys, golf practice equipment, pool
15 tables, punching bags, ski tows and swimming pools; equipment in offices, business
16 facilities, schools and hospitals but not in residential facilities including personal
17 residences, apartments, long-term care facilities, as defined under s. 16.009 (1) (em),
18 state institutions, as defined under s. 101.123 (1) (i), Type 1 secured correctional
19 facilities, as defined in s. 938.02 (19), or similar facilities, including by way of
20 illustration but not of limitation lamps, chandeliers, and fans, venetian blinds,
21 canvas awnings, office and business machines, ice and milk dispensers,
22 beverage-making equipment, vending machines, soda fountains, steam warmers
23 and tables, compressors, condensing units and evaporative condensers, pneumatic
24 conveying systems; laundry, dry cleaning, and pressing machines, power tools,

burglar alarm and fire alarm fixtures, electric clocks and electric signs. “Service” does not include services performed by veterinarians.”.

2. Page 1061, line 6: after that line insert:

“**SECTION 2449f.** 101.123 (title) of the statutes is repealed and recreated to read:

101.123 (title) Smoking prohibited.

SECTION 2449h. 101.123 (1) (i) of the statutes is amended to read:

101.123 (1) (i) “State institution” means a prison, ~~a secured correctional facility,~~ a mental health institute as defined in s. 51.01 (12) or a center for the developmentally disabled as defined in s. 51.01 (3), ~~except that “state institution” does not include a Type 2 secured correctional facility, as defined in s. 938.02 (20).~~

SECTION 2449j. 101.123 (1) (j) of the statutes is created to read:

101.123 (1) (j) “Type 1 secured correctional facility” has the meaning given in s. 938.02 (19).

SECTION 2449L. 101.123 (2) (br) of the statutes is created to read:

101.123 (2) (br) Notwithstanding par. (a) and sub. (3), no person may smoke in any enclosed, indoor area of a Type 1 secured correctional facility or on the grounds of a Type 1 secured correctional facility.

SECTION 2449n. 101.123 (4) (a) 2. of the statutes is amended to read:

101.123 (4) (a) 2. A person in charge or his or her agent may not designate an entire building as a smoking area or designate any smoking areas in the state capitol building, in the immediate vicinity of the state capitol, in a Type 1 secured correctional facility, on the grounds of a Type 1 secured correctional facility, in a motor bus, hospital or physician’s office or on the premises, indoors or outdoors, of

1 a day care center when children who are receiving day care services are present,
2 except that in a hospital or a unit of a hospital that has as its primary purpose the
3 care and treatment of mental illness, alcoholism or drug abuse a person in charge or
4 his or her agent may designate one or more enclosed rooms with outside ventilation
5 as smoking areas for the use of adult patients who have the written permission of a
6 physician. Subject to this subdivision and sub. (3) (b), a person in charge or his or
7 her agent may not designate an entire room as a smoking area.

8 **SECTION 2449p.** 101.123 (4) (am) 3. of the statutes is amended to read:

9 101.123 (4) (am) 3. Except in a prison, ~~secured correctional facility~~, jail, or
10 lockup facility, an entire building may not be designated as a smoking area.

11 **SECTION 2449r.** 101.123 (4) (bm) of the statutes is amended to read:

12 101.123 (4) (bm) The person in charge of a state institution, jail or lockup
13 facility, or his or her agent, shall post notice of the designation of a smoking area
14 under par. (am) in or near the area designated. If an entire room is designated a
15 smoking area, the person in charge or his or her agent shall post notice of the
16 designation conspicuously on or near all normally used entrances to the room. If an
17 entire building in a prison, ~~secured correctional facility~~, jail, or lockup facility is
18 designated a smoking area, the person in charge, or his or her agent, shall post notice
19 of the designation on or near all normally used entrances to the building, but need
20 not post notice of the designation on or near entrances to rooms within the building.

21 **SECTION 2449t.** 101.123 (8) (a) of the statutes is amended to read:

22 101.123 (8) (a) Any person who wilfully violates sub. (2) (a), (am) 1. ~~or~~, (bm),
23 or (br) after being advised by an employee of the facility that smoking in the area is
24 prohibited or any person in charge or his or her agent who wilfully fails to comply
25 with sub. (5) shall forfeit not more than \$10.”.

1 **3.** Page 1332, line 9: after that line insert:

2 “**SECTION 2857t.** 165.755 (1) (b) of the statutes is amended to read:

3 165.755 (1) (b) A court may not impose the crime laboratories and drug law
4 enforcement assessment under par. (a) for a violation of s. 101.123 (2) (a), (am) 1., (ar)
5 ~~or~~, (bm), or (br) or (5) (b) or for a violation of a state law or municipal or county
6 ordinance involving a nonmoving traffic violation or a safety belt use violation under
7 s. 347.48 (2m).”.

8 **4.** Page 1534, line 5: after that line insert:

9 “**SECTION 3389f.** 302.46 (1) (a) of the statutes is amended to read:

10 302.46 (1) (a) On or after October 1, 1987, if a court imposes a fine or forfeiture
11 for a violation of state law or for a violation of a municipal or county ordinance except
12 for a violation of s. 101.123 (2) (a), (am) 1., (ar) ~~or~~, (bm), or (br) or (5) or state laws or
13 municipal or county ordinances involving nonmoving traffic violations or safety belt
14 use violations under s. 347.48 (2m), the court, in addition, shall impose a jail
15 assessment in an amount of 1% of the fine or forfeiture imposed or \$10, whichever
16 is greater. If multiple offenses are involved, the court shall determine the jail
17 assessment on the basis of each fine or forfeiture. If a fine or forfeiture is suspended
18 in whole or in part, the court shall reduce the jail assessment in proportion to the
19 suspension.”.

20 **5.** Page 1628, line 9: after that line insert:

21 “**SECTION 3774c.** 757.05 (1) (a) of the statutes, as affected by 2001 Wisconsin
22 Act (this act), is amended to read:

23 757.05 (1) (a) Whenever a court imposes a fine or forfeiture for a violation of
24 state law or for a violation of a municipal or county ordinance except for a violation

1 of s. 101.123 (2) (a), (am) 1., (ar), ~~or~~ (bm), or (br) or (5) or state laws or municipal or
2 county ordinances involving nonmoving traffic violations or safety belt use violations
3 under s. 347.48 (2m), there shall be imposed in addition a penalty assessment in an
4 amount of 13% of the fine or forfeiture imposed. If multiple offenses are involved,
5 the penalty assessment shall be based upon the total fine or forfeiture for all offenses.
6 When a fine or forfeiture is suspended in whole or in part, the penalty assessment
7 shall be reduced in proportion to the suspension.”.

8 **6.** Page 1653, line 19: after that line insert:

9 “**SECTION 3832m.** 814.63 (1) (c) of the statutes is amended to read:

10 814.63 (1) (c) This subsection does not apply to an action for a violation of s.
11 101.123 (2) (a), (am) 1., (ar) ~~or~~, (bm), or (br) or (5) or a safety belt use violation under
12 s. 347.48 (2m).”.

13 **7.** Page 1824, line 9: after “10.” insert “(by SECTION 2245)”.

14 **8.** Page 1827, line 15: after that line insert:

15 “(5q) SMOKING ON GROUNDS OF JUVENILE SECURED CORRECTIONAL FACILITIES. The
16 treatment of sections 77.52 (2) (a) 10. (by SECTION 2245d), 101.123 (title), (1) (i) and
17 (j), (2) (br), (4) (a) 2., (am) 3., and (bm), and (8) (a), 165.755 (1) (b), 302.46 (1) (a), 757.05
18 (1) (a) (by SECTION 3774c), and 814.63 (1) (c) of the statutes takes effect on the first
19 day of the 12th month beginning after publication.”.

20 (END)